

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT ALAN RUMANER,

Defendant.

Case No. 3:20-cr-00084-SLG-MMS

ORDER RE PENDING MOTIONS

Before the Court at Docket 75 is Defendant Rumaner's *pro se* Motion Seeking Adjustment Under 4A1.1(d) "Zero—Offenders" of Part B of Amendment 821 to the United States Sentencing Guidelines.¹ Also before the Court at Docket 82 is Defendant Rumaner's Motion to Reappoint Counsel. The Government did not file a response to either motion. At Docket 83, U.S. Probation filed a report that concluded that Mr. Rumaner was not eligible for a sentence reduction under this guidelines amendment because (1) he received one criminal history point at sentencing; and (2) a firearm was possessed in connection with the offense of conviction.

A review of the Presentence Report prepared in this case fully supports the probation officer's conclusion. Mr. Rumaner received one criminal history point.

¹ Mr. Rumaner filed a supplemental motion at Docket 79 in which he updated his mailing address.

See Presentence Report at Docket 66, page 15, ¶ 41. And the offense of conviction is Felon in Possession of a Firearm. See Docket 73.

Accordingly, the motion for a sentence reduction at Docket 75 based on Part B of the 821 Amendment is DENIED. Further, Mr. Rumaner's motion for the reappointment of Lance Wells as attorney of record at Docket 82 is DENIED; Assistant Federal Public Defender Michael Marks is currently attorney of record for Mr. Rumaner and an indigent criminal defendant is not entitled to select the attorney of his choice.²

DATED this 12th day of March, 2024, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

² At Docket 78, Attorney Marks filed a notice that no amended motion to the motion to reduce filed *pro se* by Mr. Rumaner would be filed. See District of Alaska Miscellaneous General Order 23-07, appointing the Federal Public Defender to represent all potentially eligible candidates for an 821 sentence reduction.